



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

FEB 25 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5967 8473

Honorable Ernest D. Davis, Mayor
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

Re: **City of Mount Vernon
Administrative Compliance Order
Docket No. CWA-02-2014-3023
MS4 SPDES Permit No. NYR20A383
Sanitary Sewer System SPDES Tracking No. NYP000332**

Dear Mr. Davis:

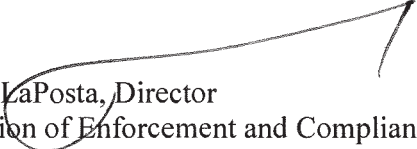
The United States Environmental Protection Agency (“EPA”), Region 2, has made a finding that the City of Mount Vernon, New York is in violation of the Clean Water Act (33 U.S.C. § 1251 *et seq*) (“CWA” or “the Act”) for failure to comply with the conditions and limitations of the New York State Department of Environmental Conservation (“NYSDEC”) State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (“MS4s”) and for the unpermitted discharge of sanitary sewage into waters of the United States.

Enclosed are two (2) originals of Order CWA-02-2014-3023 issued pursuant to Section 309 of the Act, which details the findings. Please acknowledge receipt of this Order on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject the City to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this Order shall also subject the City to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed is the Sanitary Sewer System (“SSS”) Compliance Evaluation Inspection (“CEI”) report based on EPA’s SSS CEI conducted in Mount Vernon on September 12, 2012. In addition, enclosed is the MS4 Inspection report based on EPA’s MS4 Inspection conducted in Mount Vernon on April 9 and 10, 2013 and EPA’s dry weather sampling conducted on September 9 and 10, 2013.

If you have any questions regarding the Administrative Compliance Order please contact Mr. Douglas McKenna, Chief, Water Compliance Branch, at (212) 637-4244.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joe DiMura, NYSDEC w/enclosures
Shohreh Karimipour, NYSDEC Region 3 Water Engineer w/enclosures
Curtis Woods, Commissioner, Department of Public Works, City of Mount Vernon w/enclosures

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

Proceeding pursuant to Section 309(a)(3) of
the Clean Water Act, 33 U.S.C. § 1319(a)(3)

RESPONDENT

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2014-3023

The following Administrative Compliance Order ("Order") is issued pursuant to Section 309(a)(3) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. LEGAL AUTHORITY

1. Section 301(a) of the CWA, 33 U.S.C. § 1311 (a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). Under this authority, a State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from a point source to a navigable water of the United States. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.
3. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association or municipality.
4. "Municipality" is defined by Section 502(4) of the CWA, 33 U.S.C. § 1362(4), to include among other things, a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

5. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
6. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged to water.
7. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
8. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), to include the waters of the United States.
9. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue an order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
10. Section 402(p) of the CWA, 33 U.S.C. § 1342(p) sets forth the requirements for the discharge of stormwater, including discharges of stormwater from Municipal Separate Storm Sewer Systems ("MS4s").
11. Section 402(p)(3)(B) of the CWA, 33 U.S.C. § 1342(p)(3)(B), requires that NPDES permits for discharges from a MS4 shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers and shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.
12. Pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), EPA promulgated regulations at 40 C.F.R. § 122.26 setting forth the NPDES permit requirements for stormwater discharges, including the following:
 - a. 40 C.F.R. § 122.26(b)(8), defines an MS4 as a "conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by State law).....that discharges into waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works..."
 - b. 40 C.F.R. §§ 122.26(a)(1)(iv) and 122.26(d) require the operator of a discharge from a medium MS4 to apply for a jurisdiction-wide or system-wide permit;

- c. 40 C.F.R. § 122.26(b)(7)(i) defines "medium municipal separate storm sewer system," in part, as being located in an incorporated place with a population of 100,000 or more but less than 250,000;
 - d. 40 C.F.R. § 122.26(b)(16)(ii) defines "small municipal separate storm sewer system," in part, as not defined as "large" or "medium" municipal separate storm sewer systems; and
 - e. 40 C.F.R. § 122.26(b)(3) defines "incorporated place," in part, as a city, town, township, or village that is incorporated under the laws of the State in which it is located.
13. Pursuant to 40 C.F.R. § 122.32(a)(1), all small MS4s located in an "urbanized area" (as determined by the latest Decennial Census by the Bureau of Census) are regulated small MS4s.
 14. The term "MS4 General Permit" means the NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, as defined by the present general permit number, GP-0-10-002. The current MS4 General Permit, GP-0-10-002, became effective on May 1, 2010 and will expire on April 30, 2015. GP-0-10-002 replaced the former MS4 General Permit, GP-0-08-002, which became effective on May 1, 2008 and expired on April 30, 2010. GP-0-08-002 was preceded by GP-0-02-02, which became effective on January 8, 2003 and expired on January 8, 2008. GP-0-02-02 was administratively extended until the issuance of GP-0-08-002.
 15. Part VII.A.3.g of the MS4 General Permit requires the permittee to develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4. The program must include: procedures for identifying priority areas of concern (geographic, audiences or otherwise) for IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (track-down); procedures for eliminating illicit discharges; and procedures for documenting actions.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The City of Mount Vernon ("Respondent") is a municipal corporation chartered under the laws of the State of New York, and as such, the Respondent is a "person," as that term is defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2, and is an "incorporated place" as that term is defined in 40 C.F.R. § 122.26(b)(3).
2. Respondent owns and operates the MS4, located in the City of Mount Vernon, New York is an owner or operator within the meaning of 40 C.F.R. § 122.2.
3. The MS4 in the City of Mount Vernon is a small MS4 located in a urbanized area within the meaning of 40 C.F.R. § 122.26(b)(16)(ii) and 40 C.F.R. § 122.32(a)(1).
4. Respondent owns and operates an MS4, a "point source" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), discharges stormwater, which is a "pollutant" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to the Bronx River and Hutchinson River, which are waters of the United States within the meaning of 40 C.F.R. § 122.2, and as such, discharges pollutants within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

5. Respondent submitted a Notice of Intent (“NOI”), which was received by the NYSDEC on March 5, 2003, and subsequently received authorization under the MS4 General Permit pursuant to permit No. NYR20A383, and has been covered under the conditions and limitations in the MS4 General Permit at all relevant times addressed by the Administrative Compliance Order.
6. The City of Mount Vernon MS4 discharges stormwater into two (2) receiving waters that appear on the 303(d) list or for which a Total Maximum Daily Load (“TMDL”) has been established. The Hutchinson and Bronx Rivers have been designated as an impaired water body with oxygen demand, pathogens and oil and grease the primary pollutants of concern. Therefore, the City of Mount Vernon is required to meet additional improvement and minimum control measures pursuant to Part IX.C, Pathogen Impaired Watershed MS4s, of the MS4 General Permit.
7. The MS4 General Permit required that the Respondent fully implement a Stormwater Management Program (“SWMP”) by January 8, 2008. Permittees under GP-02-02 were required to develop, implement and enforce a program to detect and eliminate illicit discharges under Illicit Discharge Detection and Elimination (Part IV.3 of the MS4 General Permit). Respondent developed an initial SWMP prior to March 10, 2003 but failed to fully implement the plan by January 8, 2008 deadline, and implement a SWMP ensuring that future discharges do not contribute to a violation of applicable water quality standards.
8. Both GP-02-02 and GP-08-002 expired on January 8, 2008 and April 30, 2010, respectively. The City of Mount Vernon is required to continue MS4 General Permit coverage under GP-0-10-002, which became effective May 1, 2010 and expires April 30, 2015. In accordance with Part IV.D., covered entities authorized under GP-0-08-002 shall continue to fully implement their SWMP, unless otherwise stated.
9. On September 12, 2012, EPA conducted a Sanitary Sewer System (“SSS”) Compliance Evaluation Inspection (“CEI”) of the City of Mount Vernon and identified the following two (2) instances of unpermitted discharges of sanitary sewage documented and reported by the City of Mount Vernon:
 - a. On January 10, 2012, a sanitary sewer collapse on Lorraine Avenue resulted in a sanitary sewage discharge to the Hutchinson River via the MS4; and
 - b. On June 30, 2012, a sanitary sewer collapse on Stevens Avenue resulted in a sanitary sewage discharge to the Bronx River via the MS4.
10. The City of Mount Vernon did not have coverage under a SPDES permit for the sanitary sewage discharges identified by EPA at the September 12, 2012 SSS CEI.
11. On April 9 and 10, 2013, EPA conducted an MS4 compliance inspection of the City of Mount Vernon, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318 (hereafter the “MS4 inspection”). Based on these inspections, EPA identified discharges from the MS4 which appeared to contain sanitary sewage. As a result of those observations, it was determined that a follow-up sampling inspection should be performed.
12. On September 9 and 10, 2013, EPA conducted dry weather sampling inspections at outfalls within the City of Mount Vernon, specifically sampling for fecal coliform and total coliform, and surfactants. The results of that sampling were used to determine whether storm sewer discharges were contributing to water quality impairments and to determine if coliform levels in the storm

sewer discharges are substantially higher than water quality standards or ambient levels. Sampling verified that outfalls at the locations identified were discharging in excess of the New York Water Quality Standard of either 10,000 MPN/100 ml for total coliform, and/or 2,000 MPN/100 ml for fecal coliform.

13. The result of EPA's Dry Weather Sampling for each location are listed below:

| <u>Location</u> | <u>Coliform (MPN/100ml)</u> | |
|--|-----------------------------|-------------------|
| | <u>Fecal</u> | <u>Total</u> |
| Outfall #24-2 outfalls (21 Farrell Ave & Beechwood St) | 130,000 MPN/100ml | 330,000 MPN/100ml |
| Outfall #53 (40 55.190,-073 50.730) | 79,000 MPN/100ml | 130,000 MPN/100ml |
| Outfall not mapped (near Metro Green LLC) | 1,300 MPN/100ml | 13,000 MPN/100ml |
| Outfall #30 (Target parking lot) | 17,000 MPN/100ml | 79,000 MPN/100ml |
| Outfall #33 (Government Canal, behind Sprague tank farm) | 1,300 MPN/100ml | 49,000 MPN/100ml |
| Outfall #51 (40 55.103, -073 50.801) | 49,000 MPN/100ml | 49,000 MPN/100ml |

14. The Dry Weather Sampling conducted by EPA on September 9 and 10, 2013, support a finding that there is a high potential for illicit sanitary connections to Respondent's MS4 which discharge into the Hutchinson and Bronx Rivers.
15. Based upon the field observations conducted by EPA on April 9 and 10, 2013, Dry Weather Sampling inspections conducted on September 9 and 10, 2013, EPA determined that the Respondent was in noncompliance with the MS4 General Permit by failing to fully implement a comprehensive illicit detection and elimination program required by NYSDEC, by January 8, 2008, as part of their SWMP.
16. The City of Mount Vernon failed to develop, implement, and enforce, and effectively prohibit, illicit discharges into the storm sewer system and implement appropriate enforcement procedures as required under MS4 General Permit Number GP-02-02, GP-0-08-002, and GP-0-10-002, the current NYSDEC SPDES General Permit for Stormwater Discharges from MS4s.
17. The City of Mount Vernon failed to implement paragraphs f. (prohibit illicit discharges into the MS4) and g. (implement a program to detect and address non-stormwater discharges) as required by Part VII.A.3 of the MS4 General Permit.
18. Based upon Paragraphs 1-17 above, EPA finds that Respondent is in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and applicable implementing regulations.

C. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. Immediately upon receipt of the original copies of this Order, a responsible official of the City of Mount Vernon shall complete and sign the acknowledgment of receipt of one of the originals of the Order and return said original to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed in paragraph D.1, below.

2. The City of Mount Vernon shall implement all requirements of the MS4 General Permit and shall take all corrective actions necessary to eliminate illicit connections identified by the sampling and track down program and in accordance with an MS4 Plan of Action ("POA") designed to eliminate all illicit connections to the MS4, as follows:

| <u>MS4 POA Items</u> | <u>Deadlines</u> |
|--|--|
| a. Develop and submit to EPA and NYSDEC for review and approval a Storm Water Management Program pursuant to the requirements of Part IV of the NYSDEC SPDES General Permit for Stormwater Discharges from MS4 (GP-0-10-002). The Stormwater Management Program shall specifically address the identification of illicit connections to minimize discharges and sources of pathogens in the MS4. | July 31, 2014 |
| b. Complete all track-down (video inspection, smoke/dye testing, and sampling) of the MS4. | June 30, 2015 |
| c. Submit semi-annual progress reports to EPA and NYSDEC outlining all activities undertaken, results of verification sampling and costs associated with sampling and testing conducted in compliance with the requirements of this Order. | June 30, 2014 December 31, 2014 June 30, 2015 |
| d. Submit a final report to EPA and NYSDEC, for review and approval, summarizing all activities taken to come into compliance with the MS4 General Permit. | December 31, 2015 |
| e. Submit a complete engineering report, including an implementation schedule, to EPA and NYSDEC, for review and approval, which details how the City will eliminate all illicit connections to the MS4. | Within 90 (ninety) days of EPA/NYSDEC approval of item d., above |

3. The City of Mount Vernon shall implement a Sanitary Sewer System POA, designed to reduce sanitary sewer system overflows and eliminate unauthorized sewage discharges from the Sanitary Sewer System, in accordance with the following:

| <u>Sanitary Sewer System POA Items</u> | <u>Deadlines</u> |
|--|------------------|
| a. Develop and submit to EPA and NYSDEC, for review and approval, a proposed Capacity, Management, Operation, and Maintenance ("CMOM") Program that includes, at a minimum, the following elements, in accordance with EPA's "Guide for Evaluating CMOM Programs at Sanitary Sewer Collection Systems" (January 2005): i. Sanitary Sewer System Inventory; ii. Service Area Characteristics; | August 31, 2014 |

| | |
|---|---|
| <ul style="list-style-type: none"> iii. Organizational Structure; iv. Internal Communication; v. Employee Training; vi. Safety Procedures; vii. Complaint Response; viii. Equipment and Collection System Maintenance; ix. Parts and Equipment Inventory; x. Documenting and Tracking Maintenance Activities; xi. System Mapping; xii. Routine System Inspection and Assessment; xiii. Routine System Cleaning; xiv. Capacity Assessment; xv. Tracking, Documenting and Reporting Sanitary Sewer Overflows; xvi. Overflow Response Plan; xvii. Operation and Maintenance Budget; xviii. Flow Monitoring; and xix. Sewer System Rehabilitation. | |
| b. Upon EPA approval, the City shall implement the approved CMOM Program. | December 31, 2014 |
| c. Identify and submit to EPA and NYSDEC for review and approval, a list of Sanitary Sewer System problem areas regarding oil and grease, surcharging, infiltration, inflow, backups, roots, solids buildup etc. This list shall be accompanied by a complete engineering report which details associated projects that will address each of the identified problem areas and which includes a completion date for each project. | June 30, 2015 |
| d. Upon EPA approval, the Sanitary Sewer System problem area project schedule shall be implemented. | August 31, 2015 |
| e. Complete Sanitary Sewer System problem area projects necessary to eliminate unauthorized sewage discharges from the sanitary sewer system. | June 30, 2016 |
| f. Submit semi-annual progress reports to EPA and NYSDEC outlining all activities undertaken, accompanying photographs, and costs associated with developing and implementing the CMOM Program. | June 30, 2014 December 31, 2014 June 30, 2015 December 31, 2015 June 30, 2016 |
| g. Submit final report to EPA and NYSDEC summarizing all activities taken to develop and implement the CMOM Program. | December 31, 2016 |

D. GENERAL PROVISIONS

1. All information or documents required to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent to the following addresses:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, New York 12233-3506

2. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed by an authorized representative of Respondent, and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. The Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866
(212) 637-4244

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, which provides the grounds for such review.

5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
7. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
8. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: FEBRUARY 25, 2014

Signed: _____

Dore LaPosta, Director

Division of Enforcement and Compliance Assistance

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

Proceeding pursuant to Section 309(a)(3) of the
Clean Water Act, 33 U.S.C. § 1319(a)(3)

RESPONDENT

**ADMINISTRATIVE
COMPLIANCE ORDER**

CWA-02-2014-3023

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an authorized representative of the City of Mount Vernon,

with the title of, _____, do hereby acknowledge the receipt of copy of the

ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2014-3023.

DATE: _____

SIGNED: _____



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved.
OMB No. 2040-0057

Section A: National Data System Coding (i.e., PCS)

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------|---|-------|---|----|---|---|---|---|---|--|---|-----------|---|-----------------|----|-----------|---|----------|---|----|---|----|----|----------|----|---|----|---|----|--|---|--|--|--|--|--|--|----|
| Transaction Code | | NPDES | | | | | | | | | | yr/mo/day | | Inspection Type | | Inspector | | Fac Type | | | | | | | | | | | | | | | | | | | | |
| 1 | N | 2 | 5 | 3 | N | Y | P | 0 | 0 | 0 | 3 | 3 | 2 | 11 | 12 | 1 | 2 | 0 | 9 | 1 | 2 | 17 | 18 | & | 19 | R | 20 | 1 | | | | | | | | | | |
| Remarks | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Inspection Work Days | | | | | | | | | | Facility Self-Monitoring Evaluation Rating | | | | | | | | | | B1 | | QA | | Reserved | | | | | | | | | | | | | | |
| 6 | 1 | | | 69 | | | | | | 70 | | | | | 71 | | | | | | | 72 | | | | | 73 | | 74 | | 7 | | | | | | | 80 |

Section B: Facility Data

| | | | | | |
|---|--|-----------------------|--|------------------------|--|
| Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number) | | Entry Time/Date | | Permit Effective Date | |
| City of Mount Vernon 1 Roosevelt Square Mount Vernon, NY 10550 | | 9:30 AM 09/12/2012 | | | |
| | | Exit Time/Date | | Permit Expiration Date | |
| | | 1:00 PM 09/12/2012 | | | |
| Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) | | Other Facility Data | | | |
| Mr. Curtis Woods, Commissioner, Department of Public Works City of Mount Vernon, 1 Roosevelt Square, Mount Vernon, NY 10550 Phone: (914) 665-2343 | | | | | |
| Name, Address of Responsible Official/Title/Phone and Fax Number(s) | | | | | |
| Mr. Curtis Woods, Commissioner, DPW City of Mount Vernon, 1 Roosevelt Square, Mount Vernon, NY 10550 Phone: (914) 665-2343 | | | | | |
| | | Contacted | | | |
| | | x Yes No | | | |

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

| | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|-------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | Permit | <input type="checkbox"/> | Flow Measurement | <input checked="" type="checkbox"/> | Operations & Maintenance | <input checked="" type="checkbox"/> | CSO/SSO (Sewer Overflow) |
| <input checked="" type="checkbox"/> | Records/Reports | <input type="checkbox"/> | Self-Monitoring Program | <input type="checkbox"/> | Sludge Handling/Disposal | <input type="checkbox"/> | Pollution Prevention |
| <input type="checkbox"/> | Facility Site Review | <input type="checkbox"/> | Compliance Schedules | <input type="checkbox"/> | Pretreatment | <input type="checkbox"/> | Multimedia |
| <input type="checkbox"/> | Effluent/Receiving Water | <input type="checkbox"/> | Laboratory | <input type="checkbox"/> | Storm Water | <input type="checkbox"/> | Other: |

Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)

See attached compliance evaluation inspection report for inspection findings.

| | | | | | |
|--|--|---|--|----------|--|
| Name(s) and Signature(s) of Inspector(s) | | Agency/Office/Phone and Fax Numbers | | Date | |
| Kimberly McEathron | | EPA/DECA-WCB/(212) 637-4228 FAX: x4211 | | 10/22/12 | |
| Signature of Management Q/A Reviewer | | Agency/Office/Phone and Fax Numbers | | Date | |
| Larry Gaugler, P.E., NPDES Team Leader | | EPA/DECA-WCB/(212) 637-3950 FAX: x4211 | | 11/10/13 | |

INSTRUCTIONS

Section A: National Data System Coding (i.e., PCS)

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. (Use the Remarks columns to record the State permit number, if necessary.)

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

| | | |
|--|--|---|
| A Performance Audit | U IU Inspection with Pretreatment Audit | ! Pretreatment Compliance (Oversight) |
| B Compliance Biomonitoring | X Toxics Inspection | @ Follow-up (enforcement) |
| C Compliance Evaluation (non-sampling) | Z Sludge - Biosolids | { Storm Water-Construction-Sampling |
| D Diagnostic | # Combined Sewer Overflow-Sampling | } Storm Water-Construction-Non-Sampling |
| F Pretreatment (Follow-up) | \$ Combined Sewer Overflow-Non-Sampling | : Storm Water-Non-Construction-Sampling |
| G Pretreatment (Audit) | + Sanitary Sewer Overflow-Sampling | ~ Storm Water-Non-Construction-Non-Sampling |
| I Industrial User (IU) Inspection | & Sanitary Sewer Overflow-Non-Sampling | < Storm Water-MS4-Sampling |
| J Complaints | \ CAFO-Sampling | - Storm Water-MS4-Non-Sampling |
| M Multimedia | = CAFO-Non-Sampling | > Storm Water-MS4-Audit |
| N Spill | 2 IU Sampling Inspection | |
| O Compliance Evaluation (Oversight) | 3 IU Non-Sampling Inspection | |
| P Pretreatment Compliance Inspection | 4 IU Toxics Inspection | |
| R Reconnaissance | 5 IU Sampling Inspection with Pretreatment | |
| S Compliance Sampling | 6 IU Non-Sampling Inspection with Pretreatment | |
| | 7 IU Toxics with Pretreatment | |

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

| | |
|---|--|
| A --- State (Contractor) | O --- Other Inspectors, Federal/EPA (Specify in Remarks columns) |
| B --- EPA (Contractor) | P --- Other Inspectors, State (Specify in Remarks columns) |
| E --- Corps of Engineers | R --- EPA Regional Inspector |
| J --- Joint EPA/State Inspectors—EPA Lead | S --- State Inspector |
| L --- Local Health Department (State) | T --- Joint State/EPA Inspectors—State lead |
| N --- NEIC Inspectors | |

Column 20: Facility Type. Use one of the codes below to describe the facility.

- 1 --- Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 --- Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 --- Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 --- Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 --- Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2, DECA-WCB

20th Floor, 290 Broadway, NY, NY 10007

**SANITARY SEWER SYSTEM
COMPLIANCE EVALUATION INSPECTION REPORT**

| | |
|---|--|
| Compliance Evaluation Inspection: City of Mount Vernon Sanitary Sewer System | |
| Inspection Date: September 12, 2012 | |
| Inspection Time: 9:30 AM – 1:00 PM | |
| EPA Inspector: Kimberly McEathron, Physical Scientist, USEPA Region 2, (212) 637-4228 | |
| City Representatives: Curtis Woods, Commissioner, Department of Public Works, City of Mount Vernon, (914) 665-2343; Raymond Copeland, Deputy Commissioner, DPW, City of Mount Vernon, (914) 665-2334; Bobby Lewis, Department of Public Works, City of Mount Vernon, (914) 665-2334; and Ramone Bennett, Department of Public Works, City of Mount Vernon, (914) 665-2334. | |
| Site Information: | City of Mount Vernon 1 Roosevelt Square Mount Vernon, NY 10550 NPDES/ICIS No. NYP000332 |

I. Background and Findings

Collection System:

1. The purpose of this sanitary sewer system Compliance Evaluation Inspection (CEI) was to assess the adequacy of the system's minimization of Sanitary Sewer Overflow (SSO) discharges. This CEI was conducted as part of the United States Environmental Protection Agency (EPA) nation-wide initiative to make such assessments of sanitary sewer systems of medium-sized Wastewater Treatment Plants (WWTPs), defined as WWTPs with design capacities between 10 and 100 MGD and of large-sized WWTPs, defined as WWTPs with design capacities in excess of 100 MGD.
2. The City of Mount Vernon is a satellite sanitary sewer system of the Westchester County Department of Environmental Facilities (WCDEF) Yonkers Joint WWTP, SPDES No. NY0026689, a large-sized WWTP.
3. The City of Mount Vernon (City) population is approximately 67,780 and covers a land area of approximately 4.4 square miles.
4. According to City representatives, the City collection system consists entirely of separate sanitary and storm sewers. The City collection system consists of at least 195 miles of pipes, 3,000 manholes and 3,200 catch basins including both the sanitary and storm sewer systems.

5. The City collection system is primarily comprised of vitrified clay pipe, brick, PVC and ductile iron pipes.
6. According to City representatives, there are no significant upstream contributors of flow into the City's sanitary sewer.
7. All City sanitary sewage flows to the WCDEF Yonkers Joint WWTP via one (1) connection to the County interceptor trunk sewer line at Sargent Place and Garden Avenue adjacent to the Hutchinson River. The County interceptor trunk sewer line then flows west through the City of Mount Vernon to the WWTP.
8. The City representatives were not aware of intermunicipal agreements between the City and Westchester County regarding sanitary sewage.
9. The City retains the original hardcopy design maps of the sanitary sewer system and has digitized approximately two-thirds of the hardcopy maps onto the computer. According to City representatives, new sanitary sewer construction is documented using pictures and the original hardcopy maps are updated by adding references to the documentation on the hardcopy maps. According to City representatives, the hardcopy maps date back to the original construction of the City although the maps themselves are not dated.

Pump Stations:

10. According to City representatives, there are no City of Mount Vernon owned, operated or maintained pump stations for the sanitary sewer system.

Flow Metering and Billing:

11. According to City representatives, residential and commercial sanitary sewage flows are billed directly by Westchester County and the City is not billed by the County for sanitary sewage treatment.
12. The City does not maintain flow meters or document sanitary sewer flows from the City to the WWTP. City representatives were not aware of a sanitary sewer flow limit imposed by Westchester County.

SSO Discharges / Spills:

13. According to City representatives, since 2009 City sanitary sewer spills and discharges are documented in monthly reports that are submitted to NYSDEC. However, City representatives only provided EPA with the July 2012 sewer report at the time of the inspection.
14. City representatives stated that the City calls the NYSDEC in the event of sewage spills. City representatives stated that they do not have a written procedure for responding to or reporting sanitary sewage spills or discharges. City representatives provided no

documentation of notifications to the NYSDEC regarding sanitary sewage discharges other than general information included in the July 2012 sewer report.

15. From January 10, 2012 through February 21, 2012, the City repaired the intersection of Esplanade and Lorraine Avenue where the street, manholes and sewer pipes had collapsed. Documentation of the collapse and completed repairs include an invoice from M. Zonzini Pipeline Services, Inc. to the City which stated that the collapse caused sanitary sewage to enter the storm sewer and resulted in high fecal count in the Hutchinson River. According to City representatives, the NYSDEC was notified of this collapsed although no documentation of the notification was provided to EPA. An estimate of the volume discharged was not included in the contractor's documentation.
16. According to the City's July 2012 monthly report submitted to NYSDEC, on July 30, 2012 a sinkhole and partial sanitary sewer collapse occurred on Stevens Avenue in between Wilson Place and Fifth Avenue, causing a discharge of sanitary sewage to the Bronx River via the storm sewers. The sinkhole and collapse were repaired on July 27, 2012. An estimate of the volume discharged was not included in the July 2012 monthly report.
17. According to City representatives, an additional problem area is a manhole on Farrell Avenue at the base of a hill on Beechwood Avenue where sanitary sewage has released out of the manhole as a result of a buildup of sediment downstream of the manhole and a curve in the sanitary sewer system at this location resulting in surcharging. The storm sewer catch basin at this location is immediately uphill from an outfall pipe to the Hutchinson River. Documentation regarding when these sanitary sewage discharges took place on Farrell Avenue was not provided at the time of the inspection.
18. Sanitary sewer system spills and overflows that enter the storm sewer system ultimately discharge east into the Hutchinson River or west into the Bronx River.

Residential Complaints / Collection System Insurance:

19. Residential complaints are received by City Hall or a dispatcher after hours and are then referred to the Department of Public Works (DPW) or complaints are received directly by DPW. According to City representatives; all residential complaints regarding sewage releases are responded to and since 2009 have been reported to NYSDEC in monthly reports regarding sanitary sewage overflows and backups. City representatives were unable to provide EPA with how many sanitary sewage overflows or backups have occurred during the past five (5) years.
20. Residential claims are made through the City's Law Department and City representatives were unable to estimate the number of claims made regarding sanitary sewage.
21. According to City representatives, the City is self-insured which includes the sanitary sewer collection system.

Capacity Issues / Collection System Maintenance:

22. According to City representatives, sewer system capacity issues, maintenance and sewer main collapses are documented in monthly reports that have been submitted to NYSDEC since 2009. However, City representatives only provided EPA with the July 2012 sewer report at the time of the inspection.
23. According to City representatives, an inflow and infiltration study was conducted by Westchester County in October 2000 although the results of this study were not provided to EPA at the time of the inspection.
24. According to City representatives, on a weekly basis the City targets known problem areas within the collection system for routine inspection and maintenance. Weekly routine inspection and maintenance is documented on Sewer Crew Report forms. According to the City's Sewer Crew Report form, problem areas targeted include 17 locations: 25 E. Lincoln Avenue, 311-315 N. Fulton Avenue, 37 W. Grand Street, 156 S. 12th Avenue, 741 S. 6th Avenue, 300 Block S. Columbus Avenue, 145 1st Avenue, Pathmark Line, 39 N. 9th Avenue, 539 S. 2nd Avenue, 40 W. 1st Street, Bushnell Place, 157 W. 2nd Street, 448 S. 7th Avenue, 457 S. 5th Avenue, Mt. Vernon Avenue, and 146 Brookside Avenue.
25. According to City representatives, Farrell Avenue, where surcharging has taken place in the past, is targeted for weekly inspection and maintenance along with 146 Brookside Avenue.
26. According to the July 2012 monthly sewer report, at total of nine (9) sewer lines were checked, two (2) sewers were flushed and cleared, at five (5) locations the main has been cleared and one (1) homeowner lateral issue was identified in July 2012. The July 2012 sewer report also contains a year to date total for sewer maintenance. From January 2012 through July 2012, 194 sewer lines were checked, 13 basements were flooded and 126 sewers were flushed and cleared. The monthly sewer reports do not document linear feet of pipe maintained and do not document specifically which problem areas have been inspected and/or maintained.
27. For collection system maintenance, the City utilizes a vactor truck, jet and rotter. For televising sewer lines, the City utilizes a contractor.
28. City representatives were unable to estimate the percentage of the sanitary sewer system that is cleaned annually and at what frequency the entire system is cleaned.
29. The City does not have a formal Fats, Oils and Grease (FOG) program. City representatives stated that the City Building Department inspects restaurants within the City but are unsure if grease trap inspections are part of routine inspections. The City utilizes a chemical degreaser to relieve grease build up within the collection system and has referred sources of grease issues to the City Building Department.
30. City representatives stated that there is a City ordinance prohibiting inflow although City representatives were unable to produce the ordinance at the time of the inspection.

Subsequent to the inspection, the City provided EPA with Article VI of the City code which prohibits inflow.

Municipal Separate Storm Sewer System (MS4)

31. The City also maintains the City's storm sewer system.
32. On December 21, 2009, the NYSDEC executed a Consent Order to address violations of the City's MS4 SPDES General Permit regarding sanitary sewage discharges (DEC Case #R3-20090604-74). The Consent Order requires the City to submit written procedures for implementation of the City's "track down" program to eliminate illicit discharges to its MS4, submit a professional engineer certified report stating that the illicit discharges to the Farrell Avenue storm drain and South Fulton Avenue storm drain and submit dry weather sampling in the storm drains. To date, the City has not yet completed all of the required items in the Consent Order.
33. City representatives stated that there is a City ordinance prohibiting the discharge of pollutants into the storm sewer system although City representatives were unable to produce the ordinance at the time of the inspection. Subsequent to the inspection, EPA viewed the municipal code on the City's website and was unable to identify an ordinance prohibiting the discharge of pollutants into the storm sewer system.

Gathered Information

34. At the time of the inspection, the City provided EPA with a copy of the following:
 - a. Sewer Reports – Monthly dated July 2012; and
 - b. Sewer Crew Report – Problem Sewer Lines – Prevented Maintenance form.
35. Subsequent to the inspection, the City provided EPA with a copy of the following:
 - a. Article VI of the City code; and
 - b. Track down and corrective action summary letters from the City to NYSDEC dated March 19, 2012, May 24, 2012, November 30, 2012 and July 30, 2012.

II. Summary

Based on the information provided during the CEI, the City has failed to operate and maintain the sanitary sewer system to avoid the release of sanitary sewage to receiving waterbodies in part via the City's MS4 and the City has failed to document the release of sanitary sewage as summarized below:

1. The City does not have a written procedure for responding to or reporting sanitary sewage spills or discharges;
2. The City was unable to provide EPA with documentation of notifications to the NYSDEC regarding sanitary sewage discharges other than general information included in the July 2012 sewer report;

3. The City was unable to provide EPA with how many residential complaints, sanitary sewage overflows or backups have occurred during the past five (5) years;
4. The City has experienced, at a minimum, the following sanitary sewage discharges to waterbodies:
 - a. On January 10, 2012, a sewer collapse on Lorraine Avenue resulted in a sanitary sewage discharge to the Hutchinson River via the MS4;
 - b. On June 30, 2012, a sewer collapse on Stevens Avenue resulted in a sanitary sewage discharge to the Bronx River via the MS4; and
 - c. According to City representatives, sanitary sewage has periodically overflowed from a manhole on Farrell Avenue and entered the MS4 which discharges to the Hutchinson River.
5. The City was unable to estimate the number of resident claims made regarding sanitary sewage;
6. The monthly sewer reports do not document linear feet of pipe maintained and do not document specifically which problem areas have been inspected and/or maintained;
7. City representatives were unable to estimate the percentage of the sanitary sewer system that is cleaned annually and at what frequency the entire system is cleaned; and
8. The City does not have a formal Fats, Oils and Grease (FOG) program.

III. Field Work

1. Repaired sewer on Stevens Avenue in between Wilson Place and Fifth Avenue (1 photo);



2. Repaired intersection at Esplanade and Lorraine Avenue with stormwater catch basin in view (1 photo);



3. Inside manhole at 146 Brookside Avenue, some debris build up visible (1 photo);



4. Inside manhole at intersection with Brookside Avenue and Grandview, upstream from previous, whitish flow (1 photo);



5. Inside manhole at Farrell Avenue and Beachwood Avenue and catch basin downhill, some sediment build up (2 photos);



6. Inside manhole at Sargent Place and Garden Avenue just prior to entry into the County interceptor sewer, some debris build up (1 photo).



MS4 Inspection Report/City of Mount Vernon, New York– February 20, 2013 (DPW Garage) and April 9-10, 2013 (Outfalls)

Background

The City of Mount Vernon is located in the south central area of Westchester County, New York with a population of 68,000 based on the year 2011 census.

Mount Vernon is bordered on the south by the Bronx, on the west by the City of Yonkers, on the north by Bronxville and Eastchester, and on the east by Pelham Manor. The highway network consists of approximately 4.4 sq miles of City maintained highway, with links to the Bronx River Parkway, the Hutchinson River Parkway, and the Cross County Parkway. The City is primarily a residential community, divided into four major neighborhoods: Downtown, Mount Vernon Heights, North Side, and South Side. The business area is concentrated in the downtown and Heights sections of the city.

The main water bodies to which stormwater flows is the Bronx and Hutchinson Rivers. The New York State Department of Environmental Conservation identifies water quality related problems on its 303d List (Individual Waterbody's with Impaired Segments) as pollution due to Dissolved Oxygen/Oxygen Demand and Pathogens in the Hutchinson River and Oil/Grease, Dissolved Oxygen/Oxygen Demand and Pathogens in the Bronx River. The Town's separate storm-water conveyance system consists of stormwater outfalls, catch basins, and interconnecting pipes maintained by the Department of Public Works.

According to the most recent Municipal Compliance Certification Filing to NYSDEC, ending March 9, 2012, the Village indicated that there were 72 outfalls within City jurisdiction, draining to both the Bronx and Hutchinson Rivers. However, some of these were catch basins, so the actual number is thirty three (33), all of which were mapped.

Inspection (Day 1)

On February 20, 2013 Commissioner Curtis Woods, along with various representatives from the City of Mount Vernon, met with EPA representatives Jerry Ciotola and Robert Ferri, and DEC representatives Natalie Browne and Aparna Roy to discuss the MS4 inspection, followed by an onsite inspection of the City's DPW garage located at 33 Canal Street, Mount Vernon, New York. During the morning meeting, we reviewed the mapping and discussed the City's Public Works operations facility, stormwater pollution prevention, and best management practices for the 33 Canal Street facility. NYSDEC issued a MSGP SPDES Permit NY0260312 for the facility, which requires sampling and monitoring for stormwater discharges to Outfall 001. In addition, the City is required to properly operate and maintain the 33 Canal St facility, clean its trench drain, conduct weekly inspections of its stormwater oil/water separator, and conduct monitoring and sampling at the facility.

On February 20th, 2013 EPA conducted the inspection with DEC and found continued violations at the facility, resulting in the issuance of an Administrative Order CWA-02-2013-3025 to cease any further dry weather discharges off-site to the MS4 (Eastchester Creek). The City acknowledged the complaint of March 27, 2013 and is preparing a detailed Plan of Action to mitigate the violations. The most recent SWMP for the Public Works operations facility was updated June 1, 2012.

On April 9-10, 2013, the City DPW representatives, and EPA inspectors Ciotola and Ferri, conducted the outfall inspection for both the Hutchinson and Bronx River watersheds, and random inspection of catch basins within a few blocks of the downtown area near City Hall Roosevelt Square. The findings are as follows.

Weather Conditions: For all three days, inspection day weather was sunny and dry.

City of Mount Vernon, New York (Day 2, 3)

The Department of Public Works is responsible for maintenance of Mount Vernon's storm sewer systems and sanitary system, which flows to the Yonkers Regional Wastewater Treatment Plant. The DPW maintains catch basins and storm drains ranging in various sizes from 6" to 72" diameter lines. There are approximately 33 storm sewer outfall locations within the city limits. Maintenance requires periodic cleaning and flushing of the catch basins and storm sewers. The storm water flows to the east are to the Hutchinson, and the west to the Bronx River. The Hutchinson River exhibited a large degree of eutrophication, evidenced by the excessive algae growth, most likely due to nutrient inputs. The portion of the Bronx River that we observed, appeared to be heavily silted, contained large amount of floatables along the banks, and had an opaque color in shallow areas. The River is degraded primarily due to urban stormwater pollutant inputs from point and nonpoint sources.

Findings and Preliminary Conclusions

Based on our field assessment, there were a number of outfalls that exhibited dry weather flows, especially to the Hutchinson River. Additionally, throughout the inspection of stormwater outfalls to the Bronx River, we noted physical indicators of potential illicit discharges, including deposits and stains around the base of the pipe, vegetative growth, poor water quality, and odors that appear to be sanitary in nature. We observed excessive floatables/debris in many catch basins, and in one incident, dumped antifreeze was observed in the sump within proximity of city hall.

Dry weather sampling by EPA DESA confirmed the possibility of direct connections via illegal cross connections from sanitary to storm sewer, and the possibility of intermittent discharges from resident and commercial establishments were highly probable. A comprehensive screening strategy is recommended to eliminate sources of a illicit discharges. The storm water outfalls that were observed during the EPA April 9 and 19, 2013 inspection and were subsequently sampled during dry weather for coliform and surfactants, contained in the spreadsheet (attached).

Mount Vernon Outfall Pictures from 4/9/2013 and 4/10/2013



Figure 1 P1010604: Outfall #11 note pipe staining



Figure 2 P1010608: Outfall #24 discharging dewatering sediment into Hutchinson River



Figure 3 P1010609: Outfall #24 discharging dewatering sediment into Hutchinson River



Figure 4 P1010610: Mount Vernon dewatering operation discharging to Hutchinson River



Figure 5 P1010611: Mount Vernon dewatering operation



Figure 6 P1010612: Mount Vernon dewatering operation



Figure 7 P1010613: view into pit being dewatered



Figure 8 P1010614: Outfall #30 from Target parking lot, note algae



Figure 9 P1010615 Outfall #30 from Target parking lot, note algae

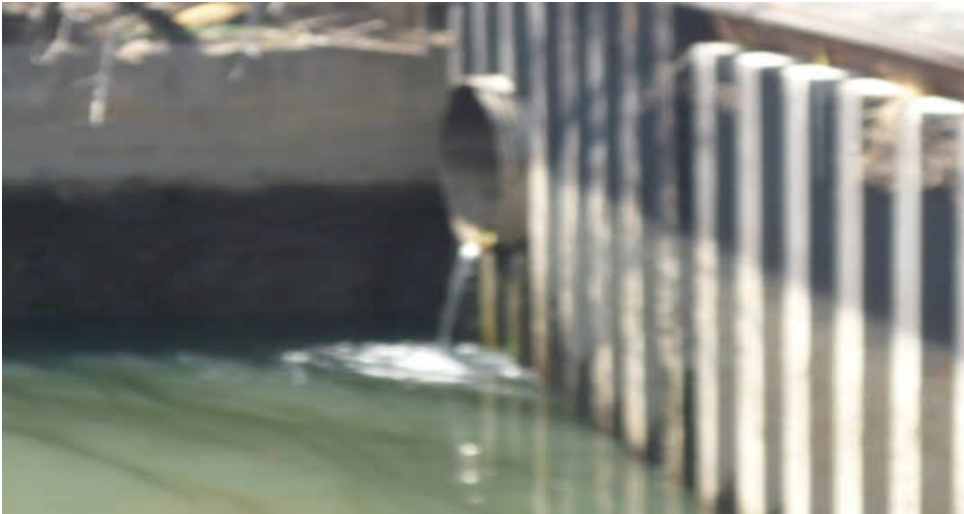


Figure 10 P1010616: Outfall #33 to government canal, at Sprague Tank Farm



Figure 11 P1010617: Outfall #33 to government canal, at Sprague Tank Farm



Figure 22 P1010618: Outfall #33 to government canal, at Sprague Tank Farm



Figure 33 P1010619: Outfall #33 to government canal, at Sprague Tank Farm



Figure 14 P1010622: View down manhole, near 100 Oak Street, under the bridge



Figure 45 P1010624: View of an unlabeled outfall (obscured) from Bronx River Road, probably from Metro Green



Figure 16 P1010625: Another view of an unlabeled outfall (obscured) from Bronx River Road, probably from Metro Green, note sediment plume in center of photo



Figure 17 P1010626: Metro Green sign



Figure 18 P1010627: Outfall #51 taken from trail along Bronx River



Figure 19 P1010628: Outfall #51 taken from trail along Bronx River



Figure 20 P1010629: Outfall #51 taken from trail along Bronx River



Figure 21 P1010630: Outfall #52 could only see outer blocks, not outfall



Figure 22 P1010632: Outfall #53 taken from trail along Bronx River



Figure 23 P1010633: Outfall #53 taken from trail along Bronx River



Figure 24 P1010634: Outfall #53 taken from trail along Bronx River



Figure 25 P1010635: Outfall #53 taken from trail along Bronx River



Figure 26 P1010637 Silt fencing to protect Bronx River from bridge construction work

***** List of Figures *****

- Figure 5 P1010604: Outfall #11 note pipe staining**
- Figure 2 P1010608: Outfall #24 discharging dewatering sediment into Hutchinson River**
- Figure 3 P1010609: Outfall #24 discharging dewatering sediment into Hutchinson River**
- Figure 4 P1010610: Mount Vernon dewatering operation discharging to Hutchinson River**
- Figure 5 P1010611: Mount Vernon dewatering operation**
- Figure 6 P1010612: Mount Vernon dewatering operation**
- Figure 7 P1010613: view into pit being dewatered**
- Figure 8 P1010614: Outfall #30 from Target parking lot, note algae**
- Figure 9 P1010615 Outfall #30 from Target parking lot, note algae**
- Figure 10 P1010616: Outfall #33 to government canal, at Sprague Tank Farm**
- Figure 11 P1010617: Outfall #33 to government canal, at Sprague Tank Farm**
- Figure 62 P1010618: Outfall #33 to government canal, at Sprague Tank Farm**
- Figure 73 P1010619: Outfall #33 to government canal, at Sprague Tank Farm**
- Figure 14 P1010622: View down manhole, near 100 Oak Street, under the bridge**

Figure 85 P1010624: View of an unlabeled outfall (obscured) from Bronx River Road, probably from Metro Green

Figure 16 P1010625: Another view of an unlabeled outfall (obscured) from Bronx River Road, probably from Metro Green, note sediment plume in center of photo

Figure 17 P1010626: Metro Green sign

Figure 18 P1010627: Outfall #51 taken from trail along Bronx River

Figure 19 P1010628: Outfall #51 taken from trail along Bronx River

Figure 20 P1010629: Outfall #51 taken from trail along Bronx River

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Figure 23 P1010633: Outfall #53 taken from trail along Bronx River

Figure 24 P1010634: Outfall #53 taken from trail along Bronx River

Figure 25 P1010635: Outfall #53 taken from trail along Bronx River

Figure 26 P1010637: Silt fencing to protect Bronx River from bridge construction work

| | | | | | | | | | | | | | | | | | | |
|---|-------------------------------------|--|---------------|--|----------|--|---------------|--|------------|--|-----------|--|----------------|--|----------|--|-------|--|
| Municipality | Mount Vernon, NY | | | | | | | | | | | | | | | | | |
| Date and Weather | 4/9/13 , 4/10/13, sunny, warm today | | | | | | | | | | | | | | | | | |
| Inspectors | Jerry Ciotola and Rob Ferri | | | | | | | | | | | | | | | | | |
| Outfall OD | Outfall | | | | | | | | | | | | | | | | | |
| ID # street # cross streets site name GPS coordinates | Observations | | | | | | | | | | | | | | | | | |
| | water | | | | | | discharges to | | | | | | | | | | | |
| | height-width diameter | | pipe material | | sediment | | flow volume | | flow color | | flow odor | | debris in pipe | | staining | | notes | |
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Notes

6. sample both outfalls, 40 54.558, -073.48.857, debris with turbidity with carry through of milky sediment pictures 7784 and 7783, found to be unfiltered dewatering by Water Department to fix a broken pipe valve
10. sample, opposite Scouts Field, 40 54.109, -073.48.978, pictures 7775, 7776
11. sample, 40 53.806, -073.49.268, at Sprage Tank Farm, a sign in private location, pictures 7772, 7773, 7774, 7775, monitoring wells around property, some sheen could be seen in
12. sample, 40 54.899, -073.50.928, likely source is Metro Green, pictures 0622, 0623
Metro Green, Gravel and Soil Products, 914-663-1800, www.metrogreenllc.com
15. sample. Mile Square Road is on the other side of the Highway, 40 55.103, -073.50.801, pictures 101629, 101628, 101627
17. sample, 40 55.190, -073.50.730, lots of oil, grease scum, smelled bad, soil and gravel piles nearby with heavy machinery parked nearby pictures 101635, 101634, 101, 633, 101632